

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X

R.R. and D.R. o/b/o M.R.

Plaintiffs,

-against-

SCARSDALE UNION FREE SCHOOL DISTRICT,
Defendant.

**AFFIDAVIT IN OPPOSITION
TO PLAINTIFFS' MOTION**

08-CV-0247 (BSJ)(FM)-ECF Case

-----X

Eric L. Gordon, being duly sworn, deposes and says:

1. I am a member of the firm of Keane & Beane, P.C., the attorney for the Defendant, Scarsdale Union Free School District (the "District"). As such, I possess the knowledge of the facts and circumstances surrounding this proceeding. I make this Affidavit in Opposition to the Plaintiffs' Motion.

2. By service of a Summons and Complaint upon the District, Plaintiffs commenced an appeal of the decision of the New York State Review Officer brought pursuant to the Individuals with Disabilities Education Act (hereinafter "IDEA") by Plaintiffs. This proceeding was assigned to Judge Barbara S. Jones and Magistrate Judge Frank Maas.

3. Thereafter, Magistrate Judge Maas directed the parties to attend an Initial Case Management Conference on March 27, 2008. In his Notice of Conference, Judge Maas asked the parties to submit a proposed scheduling order by March 24, 2008.

4. This Office contacted Plaintiffs' attorney on numerous occasions to attempt to submit a proposed Scheduling Order by the date requested by Magistrate Judge Maas. After Plaintiffs' attorney failed to return the telephone calls in this regard, and also, to respond to a letter dated March 20, 2008, the District sent a letter to Judge Maas setting forth a proposed Scheduling Order for this proceeding. (See Exhibit "A" attached hereto.) In that proposed

Scheduling Order, the District made clear that proceedings such as this one are generally determined based on a F.R.C.P. 56 motion for summary judgment.

5. Only after receipt of the copy of the letter to Magistrate Judge Maas did the Plaintiffs' attorney contact the undersigned. The parties agreed to a schedule upon which their respective cross-motions would be filed with the Court, respective oppositions to said cross-motions would be filed with the Court, and when respective reply papers would be filed. Based upon this Agreement, Magistrate Judge Maas cancelled the Initial Case Management Conference. He did, however, ask that the parties to put the schedule in writing so that he could endorse same.

6. Plaintiffs' attorney had a legal intern in his office submit a letter to Magistrate Judge Maas setting forth the agreed upon schedule, which he endorsed. In this letter, the legal intern entitled the motion that the parties were to submit to the Court as a "motion for modified *de novo* review." A number of letters were submitted to the Court for Judge Maas' endorsement due to the Plaintiffs' repeated requests for an adjournment. (See Exhibit "B" attached hereto.)

7. The parties cross-motions were to be filed on June 30, 2008. On June 30, 2008, the District filed a motion for Summary Judgment, an accompanying Rule 56.1 Statement and an Affidavit from Dr. Michael Mendelson, the Director of Special Education of the District. Additionally, the District submitted a Memorandum of Law in support of its motion. (See Exhibit "C" attached hereto.)

8. Plaintiffs failed to file their motion on June 30, 2008. On July 1, 2008, the Plaintiffs filed a motion for *de novo* review, an Affidavit from Gary S. Mayerson, Esq. and a Memorandum of Law in support of their motion for modified *de novo* review. (See Exhibit "C" attached hereto.)

9. The District notes that there is no provisions within the Federal Rules of Civil Procedure or the Local Rules of the Southern District of New York that allows for a “motion for *de novo* review”, modified or otherwise. The Eastern District of New York has issued a decision which recognizes this type of motion, but that Court notes that procedurally the mechanism for such a motion is to be the same as on motion for summary judgment.

10. As discussed in the District’s Memorandum of Law in Reply, appeals from determinations of the State Review Officer are to be made on motions for summary judgment. My understanding is that the difference between a motion for summary judgment in the IDEA context and a typical summary judgment motion is that if there are issues of triable facts in dispute, this Court is to make a *de novo* finding of those limited issues and controversies based upon a preponderance of the evidence. Procedurally, however, an appeal pursuant to the IDEA is to be made by summary judgment and must meet the requirements of Rule 56 of the Federal Rules of Civil Procedure and Rule 56.1 of the Southern District of New York Local Rules of Civil Procedure.

11. Plaintiffs herein did not file a Rule 56.1 Statement of Material Facts as required under the Local Rules of this Court.

12. Plaintiffs did file an Affidavit from their attorney, Gary S. Mayerson. Mr. Mayerson’s Affidavit improperly contains opinions and arguments. It also contains factual allegations not supported by any record citation or accompanied by any documentary support as requires under Local Civil Rules 56.1(d). Accordingly, Mr. Mayerson’s Affidavit cannot be considered a Rule 56.1 Statement of Material Facts.

13. In addition, because the Mayerson Affidavit contains opinions, arguments and unsupported allegations, it is not possible for the District to respond to it as required under Local Civil Rule 56.1(b).

14. Therefore, the District hereby requests that the Court strike Plaintiffs' motion and only consider the District's motion for Summary Judgment given the procedural deficiencies of Plaintiffs' filing.

15. The District also requests that, to the extent that the Court considers allowing Plaintiffs to convert Mr. Mayerson's Affidavit into a Rule 56.1 Statement of Material Facts, or providing Plaintiffs with additional time to file a proper motion for summary judgment, that the District be allowed to respond to any such pleadings at a date to be determined in the future.

Dated: White Plains, New York
July 30, 2008

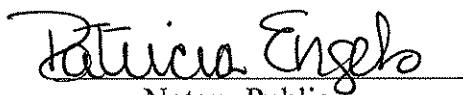
KEANE & BEANE, P.C.

By:



Eric L. Gordon (ELG 7301)
Attorneys for Defendant
Scarsdale Union Free School District
445 Hamilton Avenue, 15th Floor
White Plains, New York 10601
(914) 946-4777

Sworn to before me this
30th day of July, 2008



Notary Public

PATRICIA A. ENGELS
Notary Public, State of New York
No. 01EN6138621
Qualified in Westchester County
Commission Expires 12/27/2009

1833/102/342721 V1 7/30/08

EXHIBIT A

KEANE & BEANE, P.C.

ATTORNEYS AT LAW

445 HAMILTON AVENUE

WHITE PLAINS, NEW YORK 10601

(914) 946-4777

TELEFAX (914) 946-6868

www.kblaw.com

ERIC L. GORDON

MEMBER

ALSO ADMITTED IN CA

March 24, 2008

VIA FACSIMILE NO. (212) 805-6724

Honorable Frank Maas, U.S.M.J.
United States District Court
Southern District of New York
500 Pearl Street, Room 20A
New York, New York 10007-1312

Re: R.R. and D.R. o/b/o M.R. v. Scarsdale Union Free School District

Dear Judge Maas:

Keane & Beane, P.C., is counsel for the Defendant, the Scarsdale Union Free School District. The undersigned will be appearing at the Initial Case Management Conference, scheduled for March 27, 2008. In the Court's Rule 16(a) Conference Order, you asked the parties to submit a Proposed Scheduling Order by today, Monday, March 24, 2008. I write this letter to explain the difficulties the Defendant is facing with regard to Your Honor's request for a Proposed Scheduling Order.

This office, through my partner, Stephanie M. Roebuck, Esq., telephoned the attorney for the Plaintiffs on three (3) separate occasions to discuss completing a Proposed Scheduling Order, so that it could be submitted in a timely manner. After not receiving the courtesy of a response, Ms. Roebuck wrote the attached letter to Plaintiffs' attorney on March 20, 2008. Again, this office did not receive a response. The attached letter to Plaintiffs' attorney contained the Defendant's proposal vis-à-vis scheduling.

As stated in the letter to Plaintiff's counsel, this matter is an appeal to the Federal court pursuant to the Individuals with Disabilities Education Improvement Act, 20 U.S.C. §1415(i)(2), from a decision of the New York State Review Officer. Typically such appeals are disposed of through motions for summary judgment, and are decided based upon the record from the underlying initial due process hearing administered on the local level and the record from the appeal to the State Review Officer. As such, discovery is generally not required, or necessary.

Therefore, the Defendant has proposed that the parties stipulate to a waiver of all FRCP discovery requirements and agree to a schedule for submission of motion papers for summary judgment as follows: both Plaintiff and Defendant will serve cross-motions for summary

KEANE & BEANE, P.C.

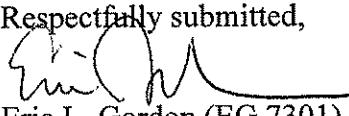
Honorable Frank Maas, U.S.M.J.
 March 24, 2008
 Page 2

judgment on July 31, 2008, oppositions shall be served by August 29, 2008 and reply papers will be served by September 12, 2008.

For Your Honor's information, the following sets forth the information that the Defendant's can provide unilaterally as requested in Your Honor's request for a Proposed Scheduling Order:

1. The initial case management conference is set for March 27, 2008. Eric L. Gordon, Esq. of Keane & Beane, P.C. will appear for the Defendant, the Scarsdale Union Free School District, 2 Brewster Road, Scarsdale, New York 10583, (914) 721-2400.
2. This proceeding is an appeal from the New York State Review Officer, who found that the Defendant recommended a free and appropriate public education to Plaintiffs' daughter for the school years 2005-2006 and 2006-2007. The appeal is pursuant to the Individuals with Disabilities Education Improvement Act and the parties seek a ruling as to whether the Defendant did indeed recommend a free and appropriate public education for the years in question. If a determination is made that the Defendant did not recommend a free and appropriate public education in either or both of the years in question, the Court is asked to determine whether Plaintiffs' unilateral placement selected for their daughter provided her with an appropriate education and whether equitable considerations allow for Plaintiffs to be successful in their claims against the Defendant. Plaintiffs are ultimately seeking a reimbursement for the tuition expended by them for the unilateral placement.
9. Defendant acknowledges that courtesy copies of all motion papers, marked as such, shall be submitted to Chambers, even though the papers have been filed electronically.

Should Your Honor need anything further from Defendant's counsel prior to the initial case management conference, please do not hesitate to contact me.

Respectfully submitted,

 Eric L. Gordon (EG 7301)

ELG/emd
 Enclosure

cc: Gary Mayerson, Esq. (via facsimile)
 Dr. Michael Mendelson
 Stephanie M. Roebuck

KEANE & BEANE, P.C.

ATTORNEYS AT LAW

445 HAMILTON AVENUE
WHITE PLAINS, NEW YORK 10601

(914) 946-4777
TELEFAX (914) 946-6868
www.kblaw.com

STEPHANIE M. ROEBUCK
MEMBER
ALSO ADMITTED IN MA

March 20, 2008

VIA FACSIMILE AND FIRST CLASS MAIL

Gary S. Mayerson, Esq.
Mayerson & Associates
300 West 38th Street, Suite 600
New York, New York 10018

Re: R.R. and D.R. o/b/o M.R. v. Scarsdale UFSD, 08-CV-0247

Dear Mr. Mayerson:

I have left three (3) messages for you with regards to the Proposed Scheduling Order which is due to be filed with the Southern District of New York on Monday, March 24, 2008 and I have yet to receive the courtesy of a response. Accordingly, I write this letter, which I will ask my partner, Eric L. Gordon, the attorney of record on this appeal, to submit to the Magistrate Judge to explain why the District has not fulfilled his request for a joint proposed scheduling order.

As you know, this matter is an appeal to the federal court pursuant to the Individuals with Disabilities Education Improvement Act, 20 U.S.C. §1415(i)(2), from a decision of the State Review Officer. Such appeals are generally disposed of through motions for summary judgment.

I therefore propose that the parties waive the Joint Pre-trial Order submission and adopt the proposed schedule set forth as follows:

The parties would stipulate to waive all FRCP 26 discovery requirements. The parties propose the following with regard to motions for summary judgment: both Plaintiff and Defendant will service motions for summary judgment on July 31, 2008, oppositions shall be served by August 29, 2008 and reply papers will be served by September 12, 2008.

KEANE & BEANE, P. C.

Gary S. Mayerson, Esq.
March 20, 2008
Page 2

I hope to hear from you prior to the scheduling conference on March 27, 2008 with regards to the matters set forth in this letter.

Very truly yours,


Stephanie M. Roebuck

SMR/

cc: Dr. Michael Mendelson
Eric L. Gordon, Esq. ✓

EXHIBIT B

Mayerson & Associates

330 W. 38th Street, Suite 600
New York, New York 10018

mayerslaw.com

GARY S. MAYERSON *♦
CHRISTINA D. THIVIERGE *
RANDI M. ROTHBERG

* ALSO ADMITTED IN NEW JERSEY
♦ ALSO ADMITTED IN FLORIDA

TEL: 212.265.7200
FAX: 212.265.1735
E-MAIL: GARY@MAYERSLAW.COM

March 24, 2008

VIA FACSIMILE & REGULAR MAIL
Honorable Frank Maas U.S.M.J.
United States District Court
Southern District of New York
500 Pearl Street, Room 20A
New York, NY 10007-1312

MEMO ENDORSED

Re: R.R. and D.R. o/b/o M.R. v. Scarsdale Union Free School District,
08 Civ. 247 (BSJ)(FM)
Dear Judge Maas:

We represent the plaintiffs-appellants in the above matter. We are in receipt of counsel's March 24, 2008 letter to Your Honor.

We agree that there is no need for any discovery and that a waiver of the joint pre-trial order would be appropriate. We would request, however, an earlier briefing schedule, as follows:

June 1, 2008--parties' respective motions
for modified *de novo* review*

July 3, 2008--parties' opposing papers

2S

July 15, 2008--parties' reply papers

F&M

cc: Eric L. Gordon Esq.

} This schedule is adopted
and the previously scheduled
conference is cancelled. All
future communications
shall bear the full docket
number of the case.

Sincerely,
Gary S. Mayerson

*F&M, USM.J.,
3/26/08*

*These motions are not truly "summary judgment" motions as the trial has already occurred.

MEMO ENDORSED**MAYERSON & ASSOCIATES**330 WEST 38TH STREET, SUITE 600 • NEW YORK, NEW YORK 10018
PHONE (212) 265-7200 • FAX (212) 265-1735 • EMAIL: ADMIN@MAYERSLAW.COM

USDC-SNY
DOCUMENT
ELECTRONICALLY FILED
DOC #: 5/27/08
DATE FILED: 5/27/08

WWW.MAYERSLAW.COM

May 23, 2008

**VIA HAND DELIVERY and FACSIMILE¹ APPLICATION GRANTED
SO ORDERED**

Honorable Frank Maas, U.S.M.J.
 United States District Court
 Southern District of New York
 500 Pearl Street, Room 20A
 New York, NY 10007-1312
 Fax: (212) 805-6724


 Frank Maas, USMJ 5/27/08

Re: R.R. and D.R. o/b/o M.R. v. Scarsdale UFSD, 08-CV-0247



Dear Judge Maas:

As you are aware, we represent the plaintiffs-appellants in the above referenced matter. We respectfully ask that your Honor endorse this letter requesting a further 2 week extension of time to allow the parties to serve their respective motions for modified *de novo* review. This is plaintiffs-appellants second request for such extension. This would change the original deadline from June 1, 2008 to June 15, 2008.

This change would affect the briefing schedule as follows:

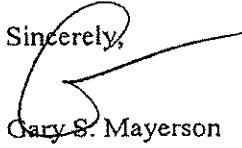
June 15, 2008--parties' respective motions for modified *de novo* review²

July 17, 2008--parties' opposing papers

August 8, 2008--parties' reply papers

We have contacted the office of Keane and Beane, P.C., counsel for the defendants, and spoke with Ms. Stephanie M. Roebuck, who has consented to this request.

Thank you for your consideration in this matter.


 Sincerely,

Gary S. Mayerson

cc: Eric L. Gordon, Esq. and Stephanie M. Roebuck, Esq. via facsimile at (914) 946-6868

¹ Please note that an original letter was sent earlier via hand delivery and did not indicate the facsimile number.

² These motions are not truly "summary judgment" motions as the trial has already occurred.

MEMO ENDORSED

*Scarsdale
Within
appeal*

USDC SDNY**DOCUMENT****ELECTRONICALLY FILED MAYERSON & ASSOCIATES****DOC #:****DATE FILED: 5/29/08**330 WEST 38TH STREET, SUITE 600 • NEW YORK, NEW YORK 10018
PHONE (212) 265-7200 • FAX (212) 265-1735 • EMAIL: ADMIN@MAYERSLAW.COMWWW.MAYERSLAW.COM

May 29, 2008

VIA HAND DELIVERY and FACSIMILE

Honorable Frank Maas, U.S.M.J.
United States District Court
Southern District of New York
500 Pearl Street, Room 20A
New York, NY 10007-1312
Fax: (212) 805-6724

APPLICATION GRANTED**SO ORDERED***Frank Maas***Frank Maas, USMJ 5/29/08****Re: R.R. and D.R. o/b/o M.R. v. Scarsdale UFSD, 08-CV-0247**

Dear Judge Maas:

As you are aware, we represent the plaintiffs-appellants in the above referenced matter. Thank you for endorsing the letter we sent on May 23, 2008. It has just come to our attention that the first deadline we requested for submission of modified *de novo* review, June 15, 2008, inconveniently falls on a Sunday. It is for this reason that we now respectfully ask that your Honor endorse this letter requesting that the date for submission of motions for modified *de novo* review be changed to Monday, June 16, 2008. We do not request that any changes be made to the remaining dates.

This change would affect the briefing schedule as follows:

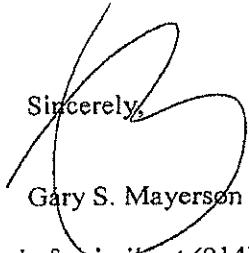
June 16, 2008--parties' respective motions for modified *de novo* review¹

July 17, 2008--parties' opposing papers

August 8, 2008--parties' reply papers

We have contacted the office of Keane and Beane, P.C., counsel for the defendants, and Ms. Stephanie M. Roebuck has consented to this request.

Thank you for your consideration in this matter.



Sincerely,

Gary S. Mayerson

cc: Eric L. Gordon, Esq. and Stephanie M. Roebuck, Esq. via facsimile at (914) 946-6868

¹These motions are not truly "summary judgment" motions as the trial has already occurred.

Scarsdale
RJL/KM
MEMO ENDORSED

MAYERSON & ASSOCIATES

330 WEST 38TH STREET, SUITE 600 • NEW YORK, NEW YORK 10018
PHONE (212) 265-7200 • FAX (212) 265-1735 • EMAIL: ADMIN@MAYERSLAW.COM

WWW.MAYERSLAW.COM

June 10, 2008

VIA HAND DELIVERY and FACSIMILE¹

Honorable Frank Maas, U.S.M.J.
United States District Court
Southern District of New York
500 Pearl Street, Room 20A
New York, NY 10007-1312
Fax: (212) 805-6724

Approved, but there will be no further extensions unless supported by an affidavit by a member of the firm establishing extraordinary circumstances.

F. Maas, USM,
6/10/08

Re: R.R. and D.R. o/b/o M.R. v. Scarsdale UFSD, 08-CV-0247

Dear Judge Maas:

As you are aware, we represent the plaintiffs-appellants in the above referenced matter. We respectfully ask that your Honor endorse this letter requesting a further 2 week extension of time to allow the parties to serve their respective motions for modified *de novo* review. This is plaintiffs-appellants third request for such extension. We sincerely apologize for requesting yet another extension, and appreciate the court's and opposing counsel's understanding that we make these requests because of the impact that the recent loss of two experienced associates has had on our firm.

This extension would change the last set deadline from June 16, 2008 to June 30, 2008 and would affect the briefing schedule as follows:

June 30, 2008—parties' respective motions for modified *de novo* review²

July 30, 2008—parties' opposing papers

August 21, 2008—parties' reply papers

We have contacted the office of Keane and Beane, P.C., counsel for the defendants, and spoke with Ms. Stephanie M. Roebuck, who has consented to this request.

Thank you for your consideration in this matter.

Sincerely,

Jessica Stein

Jessica Stein
Legal Intern

cc: Eric L. Gordon, Esq. and Stephanie M. Roebuck, Esq. via facsimile at (914) 946-6868

¹ Please note that an original letter was sent earlier via hand delivery and did not indicate the facsimile number.

² These motions are not truly "summary judgment" motions as the trial has already occurred.

EXHIBIT C

CASREF, ECF

U.S. District Court
United States District Court for the Southern District of New York (Foley Square)
CIVIL DOCKET FOR CASE #: 1:08-cv-00247-BSJ-FM

R.R. et al v. Scarsdale Union Free School Disrtict
Assigned to: Judge Barbara S. Jones
Referred to: Magistrate Judge Frank Maas
Cause: 42:1983 Civil Rights Act

Date Filed: 01/11/2008
Jury Demand: None
Nature of Suit: 440 Civil Rights: Other
Jurisdiction: Federal Question

Plaintiff**R.R.**

represented by **Gary S Mayerson**
Mayerson & Associates
330 West 38 Street
Suite 600
New York, NY 10018
(212) 265-7200
Fax: (212) 265-1735
Email: gary@mayerslaw.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Plaintiff

D.R.
on behalf of
M.R.

represented by **Gary S Mayerson**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

V.

Defendant**Scarsdale Union Free School Disrtict**

represented by **Eric Lewis Gordon**
Keane & Beane, P.C.
445 Hamilton Avenue
15th Floor
White Plains, NY 10601
(914) 946-4777
Fax: (914) 946-6868
Email: egordon@kblaw.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
01/11/2008	1	COMPLAINT against Scarsdale Union Free School Disrtict. (Filing Fee \$ 350.00, Receipt Number 638034)Document filed by R.R., D.R..(mbe) (mbe). (Entered: 01/14/2008)

01/11/2008		SUMMONS ISSUED as to Scarsdale Union Free School Disrtict. (mbe) (Entered: 01/14/2008)
01/11/2008		Magistrate Judge Frank Maas is so designated. (mbe) (Entered: 01/14/2008)
01/11/2008		Case Designated ECF. (mbe) (Entered: 01/14/2008)
01/25/2008	2	AFFIDAVIT OF SERVICE of Summons and Complaint. Scarsdale Union Free School Disrtict served on 1/17/2008, answer due 2/6/2008. Service was accepted by Jeffrey Martin, Treasurer. Document filed by R.R.; D.R.. (Mayerson, Gary) (Entered: 01/25/2008)
02/01/2008	3	ORDER REFERRING CASE TO MAGISTRATE JUDGE. Order that case be referred to the Clerk of Court for assignment to a Magistrate Judge for General Pretrial (includes scheduling, discovery, non-dispositive pretrial motions, and settlement). Referred to Magistrate Judge Frank Maas. (Signed by Judge Barbara S. Jones on 1/31/2008) (jmi) (Entered: 02/04/2008)
02/06/2008	4	ANSWER to Complaint. Document filed by Scarsdale Union Free School Disrtict.(Gordon, Eric) (Entered: 02/06/2008)
02/15/2008	5	ORDER FOR CONFERENCE PURSUANT TO RULE 16(a). that this action is scheduled for an initial Case Management Conference pursuant to Fed. R. Civ. P. 16(a), on 3/27/2008 at 02:00 PM in Courtroom 20A, 500 Pearl Street, New York, NY 10007 before Magistrate Judge Frank Maas. The parties must be prepared to discuss the subjects that are set forth in subdivisions (b) and (c) of Rule 16. (Signed by Magistrate Judge Frank Maas on 2/15/08) (pl) (Entered: 02/15/2008)
03/26/2008	6	ENDORSED LETTER addressed to Magistrate Judge Frank Maas from Gary S. Mayerson dated 3/24/08 re: Counsel for Plaintiffs-appellants request a briefing schedule as follows: Parties respective motions for modified de novo review due by 6/1/08. Parties' opposing papers due by 7/3/08. Parties reply papers due by 7/25/08. ENDORSEMENT: This schedule is adopted and the previously scheduled conference is cancelled. All future communications shall bear the full docket number of the case. (Motions due by 6/1/2008. Responses due by 7/3/2008, Replies due by 7/25/2008.) (Signed by Magistrate Judge Frank Maas on 3/26/08) (tro) (Entered: 03/27/2008)
05/27/2008	7	ENDORSED LETTER addressed to Magistrate Judge Frank Maas from Gary Mayerson dated 5/23/08 re: Request that the new briefing schedule be: 6/15/08 for parties' respective motions for modified de novo review; 6/17/08 parties' opposing papers; 8/8/08 parties' reply papers. ENDORSEMENT: Application granted. (Cross Motion due by 6/15/2008. Motion due by 6/15/2008. Responses due by 7/17/2008. Replies due by 8/8/2008.) (Signed by Magistrate Judge Frank Maas on 5/27/08) (cd) (Entered: 05/28/2008)
05/29/2008	8	ENDORSED LETTER addressed to Magistrate Judge Frank Maas from Gary Mayerson dated 5/29/08 re: Request to modify the briefing schedule as follows: 6/16/08 parties respective motions for modified de novo review; 7/17/08 parties' opposing papers; 8/8/08 parties' reply papers. ENDORSEMENT: Application granted. (Motions due by 6/16/2008. Responses due by 7/17/2008. Replies due by 8/8/2008.) (Signed by Magistrate Judge Frank Maas on 5/29/08) (cd) (Entered: 05/30/2008)
06/11/2008	9	ENDORSED LETTER addressed to Magistrate Judge Frank Maas from Jessica Stein dated 6/10/08 re: Counsel writes to request a further 2 week extension of

		<p>time to allow the parties to serve their respective motions for modified de novo review. This extension would change the last set deadline from June 16, 2008 to June 30, 2008 and would affect the briefing schedule as follows: June 30, 2008-parties' respective motions for modified de novo review; July 30, 2008-parties' opposing papers; August 21, 2008-parties' reply papers.</p> <p>ENDORSEMENT: Approved, but there will be no further extensions unless supported by an affidavit by a member of the firm establishing extraordinary circumstances. (Signed by Magistrate Judge Frank Maas on 6/10/08) (mme)</p> <p>(Entered: 06/11/2008)</p>
06/30/2008	<u>10</u>	CROSS MOTION for Summary Judgment. Document filed by Scarsdale Union Free School Disrtict. Return Date set for 8/22/2008 at 09:00 AM.(Gordon, Eric) (Entered: 06/30/2008)
06/30/2008	<u>11</u>	AFFIDAVIT of Michael Mendelson in Support re: <u>10</u> CROSS MOTION for Summary Judgment.. Document filed by Scarsdale Union Free School Disrtict. (Attachments: # <u>1</u> Exhibit A)(Gordon, Eric) (Entered: 06/30/2008)
06/30/2008	<u>12</u>	RULE 56.1 STATEMENT. Document filed by Scarsdale Union Free School Disrtict. (Gordon, Eric) (Entered: 06/30/2008)
06/30/2008	<u>13</u>	MEMORANDUM OF LAW in Support re: <u>10</u> CROSS MOTION for Summary Judgment.. Document filed by Scarsdale Union Free School Disrtict. (Gordon, Eric) (Entered: 06/30/2008)
07/01/2008	<u>14</u>	FILING ERROR - WRONG DOCUMENT TYPE SELECTED FROM MENU - NOTICE of Motion for Modified DeNovo Review on Appeal. Document filed by R.R., D.R. (Mayerson, Gary) Modified on 7/1/2008 (KA). (Entered: 07/01/2008)
07/01/2008	<u>15</u>	FILING ERROR - WRONG DOCUMENT TYPE SELECTED FROM MENU - MOTION for Summary Judgment (Memorandum of Law on Modified De Novo Review). Document filed by R.R., D.R.(Mayerson, Gary) Modified on 7/1/2008 (KA). (Entered: 07/01/2008)
07/01/2008	<u>16</u>	FILING ERROR - DEFICIENT DOCKET ENTRY - AFFIDAVIT of Gary S. Mayerson in Support re: <u>15</u> MOTION for Summary Judgment (Memorandum of Law on Modified De Novo Review). Document filed by R.R., D.R.. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B, # <u>3</u> Exhibit C, # <u>4</u> Exhibit D, # <u>5</u> Exhibit E)(Mayerson, Gary) Modified on 7/1/2008 (KA). (Entered: 07/01/2008)
07/01/2008	<u>17</u>	AFFIDAVIT OF SERVICE of Notice of Motion for Modified De Novo Review on Appeal, Affidavit of Gary Mayerson and Exhibits A,B,C,D,E, and Memorandum of Law on Modified De Novo Review served on Scarsdale Union Free School District on 6/30/08. Service was accepted by Stephanie Roebuck, Esq.. Document filed by R.R., D.R.. (Mayerson, Gary) (Entered: 07/01/2008)
07/01/2008		***NOTE TO ATTORNEY TO RE-FILE DOCUMENT - DOCUMENT TYPE ERROR. Note to Attorney Gary S. Mayerson to RE-FILE Document <u>14</u> Notice (Other). Use the document type Motion Miscellaneous Relief found under the document list Motions. (KA) (Entered: 07/01/2008)
07/01/2008		***NOTE TO ATTORNEY TO RE-FILE DOCUMENT - DOCUMENT TYPE ERROR. Note to Attorney Gary S. Mayerson to RE-FILE Document <u>15</u> MOTION for Summary Judgment (Memorandum of Law on Modified De Novo Review). Use the document type Memorandum of Law in Support of

		Motion found under the document list Replies, Opposition and Supporting Documents. (KA) (Entered: 07/01/2008)
07/01/2008		***NOTE TO ATTORNEY TO RE-FILE DOCUMENT - DEFICIENT DOCKET ENTRY ERROR. Note to Attorney Gary S. Mayerson to RE-FILE Document <u>16</u> Affidavit in Support of Motion. ERROR(S): Link to incorrect filing of document #15. (KA) (Entered: 07/01/2008)
07/01/2008	<u>18</u>	MOTION Notice of Motion for Modified De Novo Review on Appeal. Document filed by R.R., D.R..(Mayerson, Gary) (Entered: 07/01/2008)
07/01/2008	<u>19</u>	MEMORANDUM OF LAW in Support re: <u>18</u> MOTION Notice of Motion for Modified De Novo Review on Appeal.. Document filed by R.R., D.R.. (Mayerson, Gary) (Entered: 07/01/2008)
07/01/2008	<u>20</u>	AFFIDAVIT of Gary S. Mayerson in Support re: <u>18</u> MOTION Notice of Motion for Modified De Novo Review on Appeal.. Document filed by R.R., D.R.. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B, # <u>3</u> Exhibit C, # <u>4</u> Exhibit D, # <u>5</u> Errata E)(Mayerson, Gary) (Entered: 07/01/2008)
07/02/2008	<u>21</u>	AMENDED MOTION to Amend/Correct <u>18</u> MOTION Notice of Motion for Modified De Novo Review on Appeal.. Document filed by R.R., D.R.. (Mayerson, Gary) (Entered: 07/02/2008)

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